GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:433
ANSWERED ON:23.07.2003
PENALTY FOR HIV INFECTED PERSONS
CHANDRA NATH SINGH;GADDE RAMAMOHAN;M.V.V.S MURTHI;NIVEDITA MANE

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the National AIDS Control Organisation have received any request from State Governments and Women Commission for an amendment of the Indian Penal Code for penalizing the HIV infected people who marry without disclosing it to their parents ;

(b) if so, the details thereof; and

(c) the reaction of the Union Government thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a) & (b) Yes Sir, a proposal has been received from Andhra Pradesh Women`s Commission recommending amendment to Sections 269 and Section 270 Indian Penal Code (IPC) seeking imposition of rigorous punishment to both the AIDS patient and his parents, if found contracting marriage with innocent girls, suppressing the fact that the potential groom is infected with HIV/AIDS.

(c) The Supreme Court in the case of Mr. X versus Hospital Z in Civil Appeal 4641 of 1998, decided on September, 2001 observed that if a person is suffering from the dreadful disease `AIDS` knowingly marries to a woman and thereby transmits infection to that woman, he would be guilty of offences indicated in Sections 269 and 270 of Indian Penal Code.Since there is adequate provisions in the Indian Penal Code under Sections 269 and 270 to punish those who negligently spread HIV/AIDS,further amendment to these Sections is not considered necessary.